

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
THE COUNTY OF ERIE

Index No. 2005-2439

Plaintiff,

-against-

ABBOTT LABORATORIES, INC., *et al.*

Defendant.
-----X

**Notice of Videotaped Deposition of
Defendant Bayer's Employee,
Eric Anderson**

Hon. John M. Curran


PLEASE TAKE NOTICE that pursuant to the CPLR 3107 and Uniform Rule 202.15, Plaintiffs notice the deposition of Defendant Bayer's Employee, Eric Anderson on December 8, 2009 at 10:00 a.m., at the offices of Harter, Secrest & Emery LLP, 12 Fountain Plaza, Buffalo, NY 14202. The deposition will continue day to day until completed.

PLEASE TAKE FURTHER NOTICE that the deponent has been requested to bring with him, and produce at the time and place aforesaid, the documents and things described in Schedule A attached hereto.

All parties who wish to attend are invited to examine the deponent under oath.
The deposition will be transcribed by a court reporter from Golkow Technologies, Inc.,
One Liberty Place, 51st Floor, 1650 Market Street, Philadelphia, PA 19103.

Dated: New York, New York
September 29, 2009

Yours, etc.,
WEITZ & LUXENBERG, P.C.
Attorneys for Plaintiff(s)
700 Broadway
New York, New York 10003
(212) 558-5500

By: 
Michael E. Pederson

TO: Kenneth W. Africano
Harter, Secrest & Emery LLP
12 Fountain Plaza
Buffalo, NY 14202

Richard D. Raskin
Michael P. Doss
Scott D. Stein
Brad Robertson
Sidley Austin LLP
One South Dearborn Street
Chicago, IL 60603

SCHEDULE A

The term “documents” is used in its broadest sense, and includes, without limitation, written material of whatever kind or nature, whether typed, printed, handwritten or otherwise produced including, without limitation, records, data, depositions, statements, transcripts, medical records, articles, books, correspondence, letters, memoranda, notes, contracts, bills, invoices, spreadsheets, photographs, calendars, photostats photocopies, minutes, declarations, affidavits, exhibits, audio or video recordings and electronic data compilations, including computerized files, computer disks, hard drives, database records, “voice mail” or “phone mail” records, and “electronic mail” or “e-mail” messages, however stored, as well as drafts, revisions, and redline versions or iterations, whether paper or electronic. Spreadsheets and any other documents that contain formulas and/or calculations are to be produced in readable electronic format and in such a way that the formulas and/or calculations may be reviewed.

Further, the “documents” requested herein extend to and include any and all such materials within the possession, custody, or control of you, yourself, or of your agents, attorneys, or representatives, regardless of where located. You are to produce the materials listed below:

1. All materials and documents obtained, received, reviewed, considered, or consulted by you in connection with the above-captioned litigation, whether you found the matter contained in these documents or materials to be helpful or not. The documents and materials requested include, but are not limited to, all records, data, depositions, statements, transcripts, articles, books and correspondence.
2. Current curriculum vitae.
3. All materials reviewed in preparation for this deposition.
4. All documents and records regarding your work in matters related in any way to the above captioned litigation.
5. All documents, including, but not limited to, notes, data, spreadsheets, reports, draft reports, interim iterations of reports, records, and compute disks, prepared or otherwise recorded by you, or at your direction, concerning or relating to the above-captioned litigation. The documents requested include, but are not limited to, all such documents relating to your review of documents.
6. All documents concerning any research that you have undertaken that relates to or concerns the subject matter of the above-captioned litigation, whether you found the research to be helpful or not.

7. All documents, data, or other materials supplied to you by the defendants or their attorneys in the above-captioned litigation.
8. All documents, data, or other material supplied to you by the plaintiff over the course of your employment.
9. All correspondence or other documents reflecting communications with anyone regarding the above-captioned litigation or its subject matter, including, but not limited to, e-mail correspondence(s).
10. All writing, notes, or other tangible evidence concerning conversations that you have had with anyone concerning or relating to the above-captioned litigation or its subject matter.
11. All exhibits to which you may refer at trial or other court proceedings in the above-captioned litigation.
12. All photographs which you have reviewed concerning or relating to the above-captioned litigation or its subject matter.
13. Copies of all affidavits, reports, and sworn testimony given by you, whether at deposition or trial or otherwise, that relate to or concern the subject matter of the above-captioned litigation.
14. All reports, draft reports, iterations or reports, inserts to reports, red-lined versions of reports, and/or modifications or supplements to reports prepared by or provided to you relating to the above-captioned litigation or its subject matter.
15. All publications, presentations, or other documents created, published, or represented by you relating to or concerning the subject matter of the above-captioned litigation.
16. All transcripts from all depositions you've had taken in any previous cases.
17. The personnel file of the witness for all years of employment with Bayer Corporation.

Certification

I hereby certify that a copy of the foregoing was electronically mailed and sent via regular mail on September 29, 2009, to the following counsel and parties of record:

TO: Kenneth W. Africano
Harter, Secrest & Emery LLP
12 Fountain Plaza
Buffalo, NY 14202

Richard D. Raskin
Michael P. Doss
Scott D. Stein
Brad Robertson
Sidley Austin LLP
One South Dearborn Street
Chicago, IL 60603


cc: Vivian M. Quinn, Esq.
Nixon Peabody LLP
40 Fountain Plaza, Suite 500
Buffalo, NY 14202

Kelly J. Davidson, Esq.
Ober, Kaler, Grimes & Shiver
120 East Baltimore Street
Suite 800
Baltimore, MD 21202

*Attorneys for Defendants Wyeth Inc.
And Liaison Counsel for Defendants*

All counsel of record
(via Lexis Nexis File and Serve only)

Dated: September 29, 2009



Michael E. Pederson